

**REMARKS**

**Pending Claims**

Claims 1-25 are all the claims pending in the application. By this Amendment, Applicant amends 1, 3, 9, 15, 17, 18, and 19 and cancels claim 24. No new matter is added.

**Claim Rejections - 35 U.S.C. § 102**

Claims 1-25 are rejected under 35 U.S.C. § 102(e) as being anticipated by Dunn et al. (US 6,324,280; hereinafter “Dunn”). Applicant respectfully traverses these grounds of rejection at least in view of the following exemplary comments.

Claim 1 recites that “the receive flag is an internal flag of the switch and is not transmitted with the signaling message from the switch.” The Examiner agreed that claim 1, as now amended, overcomes the rejection of record. That is, Dunn does not disclose or suggest a receive flag that is an internal flag of the switch and is not transmitted with the signaling message from the switch.

Therefore, claim 1 is patentable over the prior art of record. Claims 2, 7, 8, 11-13, 22, 23, and 25 depend from claim 1 and are patentable at least by virtue of their dependency.

Independent claims 3, 9, 15, 17, 18, and 19 recite analogous limitations as claim 1 and are patentable at least for at least analogous exemplary reasons. Claims 20 and 21 depend from these claims and are patentable at least because of their dependency.

**35 U.S.C. § 112 rejection of claims 17-21 in the Advisory Action of October 11, 2007**

The Examiner rejects previous arguments concerning claims 17-21 under 35 U.S.C. § 112, 1<sup>st</sup> paragraph as not persuasive in the Advisory Action of October 11, 2007. Applicant respectfully traverses the rejection of the arguments as presented in the Advisory Action of October 11, 2007.

Applicant respectfully submits the Examiner is requiring that a “computer readable medium” must be explicitly written out in the specification in order for this language be

compliant with 35 U.S.C. § 112, 1<sup>st</sup> paragraph. However, an explicit recital of “computer readable medium” is not required to comply with 35 U.S.C. § 112, 1<sup>st</sup> paragraph. M.P.E.P. § 2164 recites:

“The purpose of the requirement that the specification describe the invention in such terms that one skilled in the art can make and use the claimed invention is to ensure that the invention is communicated to the interested public in a meaningful way. The information contained in the disclosure of an application must be sufficient to inform those skilled in the relevant art how to both make and use the claimed invention. ... Detailed procedures for making and using the invention may not be necessary if the description of the invention itself is sufficient to permit those skilled in the art to make and use the invention.”

In the Amendment of October 11, 2007, Applicant cited several places in the disclosure that would have enabled one of ordinary skill in the art to make and use the invention as recited in claims 17-21 in a computer readable medium. As the above cited section recites, detailed procedures for making and using the invention are not required if the description would allow one of ordinary skill in the art to make and use the invention.

This enabling disclosure to one of ordinary skill in the art is at least present in various transmission protocols (*see* page 4, lines 28 to 37 of the specification), accessing a signaling channel and producing a signaling configuration (*see* page 5, line 32 to page 6, line 33), and an interpreter module 14 which is capable of running a program in Fig 2 (*see* page 5, lines 1 to 18). One of ordinary skill in the art in light of the specification would readily understand that the program is stored on a computer readable medium. Therefore, claims 17-21 are patentable.

### **Conclusion**

Entry and consideration of this Amendment are respectfully requested.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. **If any points remain in issue, the Examiner is kindly requested to contact the undersigned attorney at the telephone number listed below.**

**AMENDMENT UNDER 37 C.F.R. § 1.114(c)**  
**U.S. Application No.: 09/323,135**

**Attorney Docket No.: Q54622**

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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